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| FORM PTO-1390<br>MODIFIED  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER<br><b>2051-62</b>  |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>  |   | U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)<br><div style="font-size: 2em; font-weight: bold; text-align: center;">10/510474</div> <div style="text-align: center;">To Be Assigned</div> |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/CA03/00479</b>   | INTERNATIONAL FILING DATE<br><b>03 April 2003</b>       | PRIORITY DATE CLAIMED<br><b>09 April 2002</b>   |
| TITLE OF INVENTION<br><br><b>STABLE TABLETS COMPRISING SIMVASTATIN</b>   |   |   |
| APPLICANT(S) FOR DO/EO/US<br><br><b>SHERMAN, Bernard C.</b>  |   |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (14 pages specification, claims (27 claims), sheets drawings).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> of the International Application as filed (35 U.S.C. 371(c)(2)) is attached hereto ( pages specification, claims &amp; abstract ( claims), sheets drawings, page Certificate of Translation).</li> <li>b. <input type="checkbox"/> of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. a. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).<br/>             b. <input type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration ( page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).</li> <li>10. See item 6.b. above.<br/> <b>Items 11 To 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</li> <li>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information. PTO-1449 Form and International Search Report and copy of USP 4,444,784</li> </ol> </li> </ol> |   |   |

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| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)<br><b>10/510474</b> |  | INTERNATIONAL APPLICATION NO.<br><b>PCT/CA03/00479</b> |  | ATTORNEY'S DOCKET NUMBER<br><b>2051-62</b> |  |
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| 21. <input checked="" type="checkbox"/> The following fees are submitted:   |              |              |      |   | <b>CALCULATIONS</b> PTO USE ONLY   |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
|---|--------------|--------------|------|---|--|--|--|--------------|--------------|------|--|--|--------------|----|------------|----|---|---------|--------------------|---|-----------|---|---|---------|--|--|--|--|--|----------|--|--|--|--|--|---------|--------------------------------------|--|--|--|--|-------------------|
| <b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5)):</b><br>-- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1110.00<br>-- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$950.00<br>-- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO.....\$790.00<br>-- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$750.00<br>-- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00<br><br><div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>  |              |              |      |   | <div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$ 950.00</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$ 0.00</div>  |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).<br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> <th style="width: 15%;"></th> <th style="width: 15%;"></th> </tr> <tr> <td>Total Claims</td> <td>33</td> <td>minus 20 =</td> <td>13</td> <td>X</td> <td>\$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>1</td> <td>minus 3 =</td> <td>0</td> <td>X</td> <td>\$88.00</td> </tr> <tr> <td colspan="5">MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</td> <td>\$300.00</td> </tr> <tr> <td colspan="5">Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months)</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td><b>\$ 1484.00</b></td> </tr> </table> <div style="margin-top: 5px;"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. </div> <div style="text-align: right; margin-top: 5px;"><b>SUBTOTAL =</b></div> |              |              |      |   |  |  | CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE |  |  | Total Claims | 33 | minus 20 = | 13 | X | \$18.00 | Independent Claims | 1 | minus 3 = | 0 | X | \$88.00 | MULTIPLE DEPENDENT CLAIMS(S) (if applicable) |  |  |  |  | \$300.00 | Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months) |  |  |  |  | \$ 0.00 | <b>TOTAL OF ABOVE CALCULATIONS =</b> |  |  |  |  | <b>\$ 1484.00</b> |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA | RATE |   |  |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| Total Claims  | 33           | minus 20 =   | 13   | X | \$18.00  |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| Independent Claims  | 1            | minus 3 =    | 0    | X | \$88.00  |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| MULTIPLE DEPENDENT CLAIMS(S) (if applicable)  |              |              |      |   | \$300.00   |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months)  |              |              |      |   | \$ 0.00  |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |              |      |   | <b>\$ 1484.00</b>  |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).<br><div style="text-align: right; margin-top: 5px;"><b>TOTAL NATIONAL FEE =</b></div>  |              |              |      |   | <div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$ 1484.00</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$ 0.00</div> |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
| Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). <b>\$40.00</b> per property<br>Fee for Petition to Revive Unintentionally Abandoned Application (\$1370.00 - Small Entity = \$685.00)<br><div style="text-align: right; margin-top: 5px;"><b>TOTAL FEES ENCLOSED =</b></div>  |              |              |      |   |  |  | <div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$ 1484.00</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$ 0.00</div> |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |
|   |              |              |      |   | Amount to be:<br>refunded \$<br>Charged \$   |  |  |              |              |      |  |  |              |    |            |    |   |         |                    |   |           |   |   |         |  |  |  |  |  |          |  |  |  |  |  |         |                                      |  |  |  |  |                   |

  

a. ☒ A check in the amount of \$1484.00 to cover the above fees is enclosed.  
b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this form is enclosed.  
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.  
d. ☒ The entire content of International Application No. **PCT/CA03/00479** and any U.S. and foreign application(s) corresponding thereto, and 2,379,887, referred to in this application is/are hereby incorporated by reference in this application.

**NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**CORRESPONDENCE ADDRESS**  
Direct all correspondence to:

☒ **Customer Number:**

**23117**

Place Customer Number Bar Label Here →

Type Customer Number here

Telephone: (703) 816-4000  
MJW:tat

**Mary J. Wilson**

NAME

**32,955**  
REGISTRATION NUMBER

**October 7, 2004**  
Date